

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LISA DOMSKI,

Plaintiff,

Case No. 2:23-cv-12023

v.

Hon. David M. Lawson

BLUE CROSS BLUE SHIELD
OF MICHIGAN,

Mag. Elizabeth A. Stafford

Defendant.

JASMINE SMITH,

Case No. 2:23-cv-11977

Plaintiff,

Hon. David M. Lawson

v.

Mag. Elizabeth A. Stafford

BLUE CROSS BLUE SHIELD OF
MICHIGAN,

Defendant.

**STIPULATED MOTION TO MODIFY DATES IN CASE MANAGEMENT
AND SCHEDULING ORDERS**

Plaintiffs Lisa Domski and Jasmine Smith and Defendant Blue Cross Blue Shield of Michigan (“Defendant”), through their respective counsel of record, hereby stipulate and, respectfully, move the Court to modify the dates in the current Case Management and Scheduling Orders for the following reasons:

1. On July 28, 2023, the Court in *Emerson v. Blue Cross Blue Shield of Michigan*, Case No. 2:22-cv-12576, entered an Order Regarding Consolidation and Related Matters, which consolidated over 100 similar, COVID-19 vaccine-related cases for purposes of discovery.

2. On October 10, 2023, this Court ordered that the two above-captioned cases were consolidated with *Emerson* for purposes of discovery only.

3. On October 10, 2023, this Court also entered a Case Management and Scheduling Order in each of the above-captioned cases, and the dates in those Case Management and Scheduling Orders contemplated the completion of discovery by January 31, 2024.

4. On December 12, 2023, the parties through their counsel requested a status conference with the Court in *Emerson* to discuss the Order Regarding Consolidation and Related Matters, and in particular the January 31, 2024 discovery deadline.

5. On December 20, 2023, the Court in *Emerson* held a status conference via ZOOM, during which the parties' counsel clarified their understanding that the January 31, 2024 discovery deadline: (i) applies to the parties making their best efforts to complete their production of documents relative to the parties' template discovery requests; and (ii) does not apply to *all* discovery.

6. During the December 20, 2023 status conference, the parties also confirmed that they will be providing to the *Emerson* Court not later than February 29, 2024, joint proposed party groupings for purposes of conducting settlement conferences.

7. Relative to any cases that do not settle during the above-referenced settlement conferences, the parties informed the *Emerson* Court that they agree that additional discovery will be needed (which will in large part be dependent upon the number of cases that remain after the settlement conferences).

8. The parties and *Emerson* Court further agreed to a “placeholder” discovery deadline of September 30, 2024, which the parties will revisit upon conclusion of the above-referenced settlement conferences.

9. Good cause exists to extend the dates in the current Case Management and Scheduling Orders because the parties in the two above-captioned cases desire to participate in the settlement conferences and complete discovery on the same timeline as the 100-plus other vaccine-related cases, and thus request that this Court modify the current Case Management and Scheduling Orders to reflect same.

10. Specifically, the parties request that this Court modify the discovery cutoff, which is currently set to close on January 31, 2024, to now conclude on September 30, 2024, and that the parties be permitted to revisit that date with the Court upon conclusion of the above-referenced settlement conferences.

11. The parties further request that the following dates in the Case Management And Scheduling Orders be amended as provided below:

Order	Prior Date	Amended and Operative Date
Initial Disclosures Exchanged By:	October 21, 2023	No Change.
Expert Disclosure, plaintiff:	December 7, 2023	No Change.
Expert Disclosure, defendant:	January 8, 2024	No Change.
Pretrial Disclosures (Rule26(a)(3)):	August 12, 2024	May 12, 2025
Discovery Cutoff	January 31, 2024	September 30, 2024
Interim Status Conference:	January 17, 2024 at 3:30 p.m.	No Change.
Motions Challenging Experts Filed By:	February 19, 2024	November 19, 2024
Dispositive Motions Filed By:	February 19, 2024	November 19, 2024
Motions <i>in limine</i> Filed By:	September 10, 2024	June 10, 2025
Final Pretrial Order Due:	October 8, 2024	July 8, 2025
Final Pretrial Conference:	October 15, 2024 at 3:00 p.m.	Court to Determine
Trial Date:	October 29, 2024 at 8:30 a.m.	Court to Determine

12. The parties stipulate to the relief requested.

Respectfully submitted,

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Dated: January 3, 2024